

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	
v.)	No. 4:22-CR-0488 JAR PLC
)	
DONNELL SMITH,)	
)	
Defendant.)	

MOTION FOR PRETRIAL DETENTION AND HEARING

Comes now the United States of America, by and through its Attorneys, Sayler A. Fleming, United States Attorney for the Eastern District of Missouri, and Jennifer Szczucinski, Assistant United States Attorneys for said District, and moves the Court to order the Defendant detained pending trial, and further requests that a detention hearing be held three (3) days from the date of the Defendant's initial appearance before the United States Magistrate pursuant to Title 18, United States Code, §3141, et seq.

As and for its grounds, the United States of America states as follows:

1. The Defendant is charged with possession of a stolen firearm, in violation of 18 U.S.C. § 922(j), an offense for which a maximum ten years imprisonment is prescribed under Title 18 and receipt of a firearm while under indictment, in violation of 18 U.S.C. § 922(n).

2. On January 10, 2020, the Defendant was charged with Assault, Unlawful Use of a Weapon, Possession of a Controlled Substance, and Resisting Arrest, in Case No. 2022-CR00129 in the Twenty-Second Judicial Circuit of Missouri. According to court records, the Defendant struck a woman in the head with a gun. When officers attempted to arrest the Defendant, he fled from police. When taken in custody, the Defendant was in possession of a Taurus pistol and controlled substances. The Defendant was subsequently arraigned on May 29, 2020, following a preliminary hearing. The Defendant was granted bond while the case was pending.

3. According to the St. Louis Metropolitan Police Department (“SLMPD”), while the Defendant was on bond, he committed a number of felony offenses, including the instant conduct. Specifically, on April 27, 2022, officers were responding to an unrelated call when they were waived down by a female. While the female was talking with officers, the Defendant approached the female and demanded to know if she had called the police on him. In front of officers, the Defendant made threatening statements to the female and then fled from officers. The female told officers that she flagged them down because the Defendant and other individuals approached she and her husband and demanded to fight the woman’s husband. The Defendant pulled a small black gun from his waistband while demanding they fight. When the female yelled at the Defendant to get off her property, the Defendant slapped the female across the face.

4. On May 2, 2022, a woman reported that while offering a ride to a male she knew by nickname, the male stole her firearm. On May 10, 2022, SLMPD officers received a call from Metrolink regarding a disturbance and possible shots fired at the Forest Park Station. Surveillance reflected a fight between four people during which time one individual displayed a gun. During a canvass of the area, officers located the Defendant and another person. The Defendant matched the description of the person who displayed a gun during the altercation. A frisk of the Defendant located a pistol in the Defendant’s waistband and the Defendant admitted to pulling the pistol during the altercation. The pistol in the Defendant’s possession was identified as the firearm stolen on May 2, 2022 and the female subsequently identified the Defendant as the person who stole her firearm.

5. On May 24, 2022, officers observed the Defendant in front of 1447 Hickory and were aware he was wanted for questioning regarding the stolen firearm. Officers attempted to arrest the Defendant, but he fled from officers. Ultimately, officers caught the Defendant and a search incident to his arrest revealed a 9mm Intrac Helwan-Super pistol on his person.

6. Court records reflect the Defendant repeatedly failed to comply with the conditions

of bond in Case No. 2022-CR00129. The Defendant was given a personal recognizance bond and ordered to be supervised by EMASS, but failed to report upon his release, as directed. The Defendant was specifically ordered he was not possess any firearms while on bond. The Defendant failed to appear in Court on at least two occasions and was subsequently ordered held without bond.

5. After his arrest and subsequent detention, the Defendant pled guilty in Case No. 2022-CR00129. He is currently on probation for that offense. Despite being on probation with residential requirements, law enforcement was unable to locate the Defendant and arrest him on the warrant in this case for several months.

6. There is a serious risk that the Defendant will flee, given the Defendant's history of flight from law enforcement, his flight from the scene in this case, his failure to comply with supervision while on pretrial supervision, and the potential sentence the Defendant faces in this case.

7. The nature and circumstances of the offenses charged as well as the Defendant's conduct while on bond reflect that there is a serious danger to the community that would be posed by the Defendant's release. Further, there are no conditions or combination of conditions that will reasonably assure the Defendant's appearance as required.

WHEREFORE, the United States requests this Court to order the Defendant detained prior to trial, and further to order a detention hearing three (3) days from the date of the Defendant's initial appearance.

Respectfully submitted,

SAYLER A. FLEMING
United States Attorney

/s/ Jennifer Szczucinski
JENNIFER SZCZUCINSKI, #56906MO
Assistant United States Attorney

CERTIFICATE OF SERVICE

I hereby certify that on January 18, 2023, the foregoing was filed electronically with the Clerk of the Court to be served by operation of the Court's electronic filing system upon all attorneys of record.

/s/ Jennifer L. Szczucinski
JENNIFER L. SZCZUCINSKI, #56906MO
Assistant United States Attorney